

Item 4k **13/00675/FUL**

Case Officer **Mr David Stirzaker**

Ward **Eccleston And Mawdesley**

Proposal **Erection of dormer bungalow**

Location **Lower House Cottage Towngate Eccleston ChorleyPR7 5QS**

Applicant **Mrs Linda Farrington**

Consultation expiry: 12 October 2013

Application expiry: 1 October 2013

Proposal

1. This application seeks planning permission for the erection of a detached dormer bungalow. The bungalow incorporates an integral single garage and has three bedrooms, one of which is at first floor level along with a bathroom. The bungalow incorporates half hips at either end and has an eaves height of 2.2m and a ridge height of 5.1m. The external walls are to comprise smooth red brickwork with oatmeal brickwork feature panels. The plans also state that the roof will be faced with dark grey concrete tiles and doors and windows are to be finished in grey UPVC, as are rainwater goods.
2. The application site is located in the settlement of Eccleston and comprises a garden associated with Lower House Cottage although an access drive splits the garden from directly adjoining Lower House Cottage.
3. Access to the site is via a private access drive which also serves Lower House Cottage and Lower House Farm. This runs between The Original Farmers Arms pub to the west and the rear of 105 and 105A Towngate to the east. The site is flat and to the boundaries are established evergreen trees and hedgerows.

Recommendation

4. It is recommended that this application is granted conditional planning permission subject to the signing of a S106 agreement.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Levels
 - Impact on the neighbours
 - Design & Streetscene
 - Impact on Listed Building
 - Trees and Landscape
 - Traffic and Transport
 - Contamination and Coal Mines
 - Drainage and Sewers

- Section 106 & Community Infrastructure Levy (CIL)

Representations

6. No letters of objection or support have been received from local residents.

Consultations

7. **United Utilities** do not raise any objections and advise that if possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system they may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
8. **Lancashire County Council (Highways)** have not raised any objections to the 'principle' of the development subject to the plans showing sufficient off road parking provision and vehicular manoeuvring space.
9. **The Council's Waste & Contaminated Land Officer** has not raised any objections but recommends an informative rather than a condition requiring the applicant to carry out an initial desk study, site walkover and preliminary risk assessment. If this initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. With regards to bin storage and collection, the Waste & Contaminated Land Officer advises that on collection days, the bins would need to be placed at a kerbside collection point on Towngate.
10. **Eccleston Parish Council** has raised objections to the application stating that the proposed amendment does nothing to address the objections to the original application. The Parish Council remains of the opinion that the development fails to meet any of the three criteria contained within Policy HS3 of the proposed Chorley Local Plan 2012-2016 for permission for development within private residential gardens on sites not allocated in the Housing Allocations Policy.
11. The **Architectural Liaison Officer** does not raise any objections to the application and advises that advice can be provided to the applicant in relation to Secured by Design if required.

Assessment

Principle of the development

12. The application forms describe the site as a garden associated with Lower House Cottage. The site is physically divided from this property by the access drive which serves the site and Lower House Cottage and Lower House Farm.
13. Given the status of the site, guidance in the Framework (paragraph 53) is pertinent and this states that '*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.*'
14. In terms of the emerging Chorley Local Plan, the application therefore falls to be considered against emerging Policy HS3 in the Chorley Local Plan which reflects guidance in the Framework. In the recently issued partial report following consultations on the main modifications, the Inspector states that because of the very advanced stage in the examination

process that the main modifications have reached, significant weight should be attached to all policies and proposals of the plan that are amended accordingly.

15. This will replace the Interim Policy on Private Residential Garden Development. Policy HS3 states that development within private residential gardens not allocated for housing will only be permitted for (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement, (b) the conversion and extension of domestic buildings, and (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
16. The site does not specifically comply with any of criteria (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site does not meet the definition of an infill plot as it is not a gap in a built up frontage.
17. However, paragraph 5.29 of the preamble to Policy HS3 states that when assessing applications for garden sites the Council will also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The preamble also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities.
18. Policy HS3 includes the additional sustainability criteria detailed above so in terms of this issue, there are factors which weigh in favour of the proposal. Firstly, the site is located in the Eccleston settlement just off Towngate, an A road which serves as the main route through Eccleston. The site is also in close proximity to schools, shops and other services. The nearest primary school is located approximately 570m south of the site on Doctors Lane and there is a further primary school located approximately 930m to the south on The Green. The nearest secondary school is located in Croston (Bishop Rawsthorne) approximately 2.5 miles away.
19. The site is also approximately 770m from the Carrington Centre which is presently being redeveloped but will have a supermarket on site. There will also be shops and offices on the site and there are also other shops, businesses adjacent to the Carrington Centre on Towngate.
20. In terms of bus stops, there are bus stops on both sides of Towngate within close proximity to the site. From this bus stop, 14 services operate which provide access to Chorley, Wigan and Southport. There are also school services.
21. On the basis of the above factors, it is considered that the site is in a sustainable location and therefore meets with the objectives of Criteria (1) of Policy HS3, which seeks to promote sustainable forms of development.
22. Notwithstanding the above, criteria (e) of Policy 1 of the Central Lancashire Core Strategy states that limited growth and investment will be encourage in specific Rural Local Service Centres to help meet local housing and employment needs and to support the provision of services to the wider area. Eccleston is identified as one of the Rural Local Service Centres.
23. With regards to local character, this issue is discussed in paragraphs 30 and 31 wherein it is determined that the bungalow will not harm the character of the local area. It is therefore considered that the above factors weigh in favour of the 'principle' of planning permission being granted for the development of a bungalow.

Levels

24. The site is flat and the plans state that the finished floor level will be 150mm above existing ground level. This does not raise any notable issues in terms of the level of the dwelling on the site and its relationship with adjoining properties.

Impact on the neighbours

25. The application site is bounded to the north by The Original Farmers Arms pub; to the west by 35 and 37 The Hawthorns; to the south a detached garage; and to the east, the access drive serving the site and Lower House Cottage and Lower House Farm beyond.

26. In terms of the properties to the west on The Hawthorns, the side elevation of the bungalow will be located 11m from the end of the rear conservatory and 13m at its nearest point to the main rear elevation of 35 The Hawthorns. The boundary between the site and 35 The Hawthorns comprises a post and panel fence approximately 1.8m high along with a row of established evergreen trees along part of the boundary. There are ground floor windows facing this fence but no windows at first floor level in the proposed bungalow. The fence will ensure that a satisfactory relationship is achieved in terms of the ground floor windows of the bungalow facing the boundary and in terms of the interface distances, the Spacing Standards in the Design SPG require 12m from main habitable room windows to double storey blank gable ends. Whilst the gable end of the bungalow will be 11m from the end of the conservatory extension, it will be 13m from the main rear elevation of 35 The Hawthorns which contains the main windows to the property. As stated, the boundary fence will mitigate overlooking from the ground floor windows and notwithstanding this, there are established evergreen trees on the boundary which will break up views of the proposed bungalow from this property and mitigate overlooking. Also, the overall height of the bungalow has also been reduced to 5.1m and the gable end amended to a half hip.

27. In terms of 37 The Hawthorns, the proposed bungalow at its nearest point will be 15m from this property and sat to the northeast of it. As stated, the side elevations of the bungalow have been amended wherein the gable now comprises a half hip and the overall height has been reduced by 700mm from 5.8m to 5.1m. The existing planting to the boundary with these properties will also break up views of the bungalow from the gardens of 35 and 37 The Hawthorns and the windows in their rear elevations.

28. The layout of the bungalow has also been amended to address initial concerns with overlooking from the bedroom window in the gable end and the dormer windows as the gable elevation of Lower House Cottage contains habitable room windows which would have been overlooked by the nearest dormer window whilst the gable end window (east facing) would have overlooked the garden at the front of Lower House Cottage.

29. With regards to the relationship with The Original Farmers Arms pub to the north, the ground floor comprises the pub whilst the first floor comprises the living accommodation. There are habitable room windows in the first floor rear elevation. There are no windows proposed in the rear roof plane of the bungalow and given its overall height and the fact that the windows in the first floor rear elevation of the pub face away from the site, the relationship between the bungalow and the pub is considered to be an acceptable one.

Design & Streetscene

30. The design of the bungalow is simple but incorporates enough features to ensure it is visually interesting. In scale terms, the bungalow is modest having an overall height of 5.1m and an eaves height of 2.2m. Subject to suitable materials, which can be controlled by a condition prior

to the commencement of development, and given the varied mix of property types in the locality, the design and scale of the bungalow is considered acceptable on this site.

31. In terms of streetscene impact, the application site is located behind The Original Farms Arms pub which fronts onto Towngate. As the pub is a two storey building, it partly screens views of the site, whilst the existing hedgerow screens views of the site when viewed across the pub car park. The proposed bungalow will not therefore occupy a prominent position in the streetscene and locality. At the ridge height proposed, which is similar to the properties to the west, the bungalow will sit comfortably on the plot and should not result in a cramped form of development given the proportions of the plot so it will not cause detrimental harm to the character and appearance of the streetscene or its significance as a designated Heritage Asset.

Impact on Listed Building

32. The application includes a Heritage Statement as The Original Farmers Arms is a Grade II listed building. This concludes that the proposed bungalow will not have a harmful impact on the setting of the listed building due to its scale, the existing boundary screening and the fact that the bungalow will not be readily visible from Towngate hence it will not be seen with listed building in the streetscene.
33. However, even if the hedge did not exist, only the rear roof of the bungalow would be visible from Towngate when the site is visible between the pub and 93 Towngate and if the roof is slated, this would be sympathetic to the listed building. Also, the overall height of the bungalow is only 5.1m thus its scale is significantly less than that of the pub. This being the case, it is not considered that the proposed bungalow will have a harmful impact on the setting of the listed building.

Trees and Landscape

34. There are trees on the site, which comprise a line of Leylandii trees on the northern boundary and individual Leylandii trees on the western boundary. There is also a lower evergreen hedge on the eastern boundary. These are shown as being retained on the proposed site plan and a Root Protection Zone is to be provided to safeguard the trees on the northern boundary. The Council's Tree Officer has visited the site and does not raise any objections to the application. Moreover, none of the trees on the site are worthy of a Tree Preservation Order (TPO) although retaining these trees will help the site to achieve a sense of maturity in a shorter space of time whilst also limiting the outward impact of the bungalow.

Traffic and Transport

35. Access to the site is via a private unadopted drive which also serves Lower House Cottage and Lower House Farm. The application forms state that the bungalow will have two bedrooms so in accordance with Policy ST4 of the emerging Chorley Local Plan and the accompanying Parking Standards, two off road parking spaces are required.
36. LCC (Highways) have not raised any objections to the application 'in principle' and the additional details in terms of the parking spaces and layout have now been submitted. An updated site plan details two car parking spaces to the side of the bungalow and turning space to the front of it and these plans address the matters raised by LCC (Highways).
37. Two parking spaces are to be provided to serve Lower House Cottage so this along with the retained detached garage will ensure this property has sufficient off road parking space.

Contamination and Coal Mines

38. The Council's Land & Contaminated Waste Officer recommends an informative rather than a condition requiring the applicant to carry out an initial desk study, site walkover and preliminary risk assessment. If this initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

Drainage and Sewers

39. United Utilities have not raised any objections to the application and advise that if possible, the site should be drained on a separate system with only foul drainage connected into the foul sewer whilst surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. United Utilities also advise that if surface water is allowed to be discharged to the public surface water sewerage system may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Section 106 Agreement & Community Infrastructure Levy (CIL)

40. A S106 agreement is required to secure the commuted sum to be used towards off site play space. This equates to a figure of £1754 and the applicant has signed the agreement.

41. This development is liable for CIL and a notice of liability will be issued with the decision notice if planning permission is granted.

Overall Conclusion

42. It is considered that the 'principle' of a bungalow on this site is acceptable due to the sustainable credentials of the site and its characteristics along with the objectives of Policy 1 of the Core Strategy which encourages some growth in Ecclestone. The sustainability of the site results from its location in the Ecclestone settlement close to the main routes through the village. There are also local schools, shops and facilities within walking distance of the site. These factors are considered to establish the 'principle' of a dwelling on the site and therefore compliance with Policy HS3 of the emerging Chorley Local Plan which is at an advanced stage.

43. From a design perspective, the locality is made up of a diverse mix of property types so the proposed bungalow will not result in harm to the character and appearance of the locality, especially given the bungalow will be well contained within the site. Likewise, it is not considered that the bungalow will have a harmful impact on the setting of the adjacent listed building either, due to the nature of the proposed development and the screening afforded by the northern site boundary.

44. With regards to neighbour amenity, the design of the bungalow has been amended so as the first floor habitable room has been omitted from the east facing elevation. One of the dormers has also been deleted and first floor layout reconfigured so as only the dormer furthest from Lower House Cottage serves a habitable room. The height of the bungalow has also been reduced and the gable ends replaced with half hips. The bungalow will not cause detrimental harm to the living conditions of the occupiers of the adjoining residential properties.

45. Adequate off road parking space is shown on the site plan as has vehicular turning space and no objections have been raised by LCC (Highways).

46. On the basis of the above, it is recommended that outline planning permission be granted for the bungalow, subject to the signing of a S106 agreement.

Other Matters

Sustainability

47. In line with Policy 27 of the Core Strategy, the bungalow will be required to be constructed to meet the relevant Code for Sustainable Homes level so the standard conditions are recommended requiring this to be the case.

Waste Collection and Storage

48. There is sufficient space within the curtilage of the property for waste storage bins to be stored and on collection days, bins can be placed on Towngate for kerbside collection.

Planning Policies

National Planning Policies:

National Planning Policy Framework (The Framework)

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN3 / EP9 / EP16 / HS4 / HS6 / HS21 / TR4

Supplementary Planning Guidance (SPG):

- Design Guide

Joint Core Strategy

Policy 1 / Policy 4 / Policy 5 / Policy 6 / Policy 17 / Policy 27 Policy 29 / Supplementary Planning Document (SPD) on Design

Emerging Chorley Local Plan 2012-2026

ST4 / HS3 / HS7 / BNE1 / BNE9

Planning History

There is no recent planning history on the site.

Recommendation: Permit (Subject to Legal Agreement)

Conditions

1. Prior to the commencement of works to construct the bungalow hereby permitted, the parking spaces for Lower House Cottage shall have been surfaced and made available for use in accordance with the approved plan and these parking spaces shall be retained and maintained as such at all times thereafter. *Reasons: To ensure there is satisfactory off street parking for Lower House Cottage.*

2. The existing natural tree screen/hedgerow along the northern and eastern boundaries of the site shall be retained and reinforced where necessary in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Any such reinforcement shall be carried out during the planting season October to March inclusive following the first occupation of the adjacent

building and maintained for a period of five years during which time any plants that are found to be dead or dying shall be replaced. *Reason: To maintain and enhance the appearance of the locality*

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved. *Reason: To ensure that the materials used are visually appropriate to the locality.*

4. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced. *Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

5. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained. *Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.*

6. The parking and garaging and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the first occupation of the bungalow hereby permitted and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995). *Reason: To ensure provision of adequate off-street parking facilities within the site*

7. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system. *Reason: To secure proper drainage*

8. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand. *Reason: To safeguard the trees to be retained*

9. The existing soil levels around the base of the trees to be retained shall not be altered. *Reason: To safeguard the trees to be retained*

10. Prior to the commencement of any development, full details of the alignment, height and appearance of any new fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The bungalow hereby permitted shall not be occupied until all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times. *Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.*

11. The dwelling hereby permitted shall be constructed to meet Code Level 4 of the Code for Sustainable Homes and if commenced after 1st January 2016, it shall be constructed to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of the dwelling a Final

Certificate, certifying that the relevant Code for Sustainable Homes Level for the dwelling has been achieved, shall be submitted to the Local Planning Authority. *Reason: In the interests of minimising the environmental impact of the development*

12. Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification. *Reason: In the interests of minimising the environmental impact of the development*

13. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Location & Site Plan	003 Rev D/a	29 th October 2013
Level & tree/plant survey	004 Rev A/a	25 th October 2013
GA Elevations	002 Rev A	2 nd October 2013
General Arrangement Plans	001 Rev A	2 nd October 2013

Reason: For the avoidance of doubt and in the interests of proper planning

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the bungalow or porch, garden shed, greenhouse, garage or car port shall be erected. *Reason: In the interests of neighbour amenity.*

15. The glass in the dormer window serving the landing adjacent to the bathroom shall be fitted with Pilkington Privacy Level 3 obscure glazing (or a glass with the same level of obscurity from an alternative manufacturer) and obscure glazing shall be retained at all times thereafter. *Reasons: In the interests of neighbour amenity.*

16. The proposed development must be begun not later than three years from the date of this permission. *Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004*